

SIXTIETH DAY
(Friday, April 28, 1995)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Cain, Ellis, Gallegos, Galloway, Haywood, Henderson, Leedom, Lucio, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Brown, Harris, Luna.

A quorum was announced present.

The Reverend Doug Richnow, Christ Church, Cedar Park, offered the invocation as follows:

Gracious heavenly Father, let us begin this day as we should begin all days by offering thanksgiving to You for the glory and love You grant to each of us.

I pray for Lieutenant Governor Bullock and the men and women of the Texas Senate that they may be led in the way of truth by Your Holy Spirit to make wise and gracious decisions regarding this state and its people with whose welfare they have been entrusted.

O Lord, give them eyes to envision the future and the boundlessness of our state. Give them ears to hear the cries of those in need or pain. Give them mouths to speak as worthy advocates for those things that would glorify You and reflect Your perfect will. Enlighten their minds, stir their hearts, and strengthen their wills that they may know that their true calling as elected officials of this state is to serve God's people diligently and faithfully. I pray these things in Your Son's most precious and holy name. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Brown was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Harris was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Luna was granted leave of absence for today on account of important business.

MESSAGE FROM THE HOUSE

House Chamber
April 28, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 9, Relating to the functions and systems and programs administered by the Teacher Retirement System of Texas. (As substituted and amended)

S.B. 366, Relating to the continuation and functions of the Texas State Library and Archives Commission, including the commission's involvement with the management of governmental records. (As amended)

S.B. 450, Relating to regional water and wastewater planning for the County of El Paso. (As amended)

S.B. 606, Relating to the detection and prevention of osteoporosis. (As substituted and amended)

The House refused to concur in Senate amendments to **H.B. 327** and requested the appointment of a conference committee to consider the differences between the two houses. The House conferees are: Representatives Goodman, Chair; Place, Hightower, Van de Putte, and De La Garza.

H.B. 238, Relating to the use of assistance dogs for persons with disabilities; providing an offense.

H.B. 523, Relating to stolen vehicle checkpoints near the Mexico border; relating to the jurisdiction of a magistrate to hear a stolen property disposition hearing; relating to certain information required on a certificate of title.

H.B. 525, Relating to the requisites of a petition for the writ of habeas corpus.

H.B. 1001, Relating to the regulation of subdivisions in economically distressed areas and the delivery of water and sewer services to economically distressed subdivisions; providing civil and criminal penalties.

H.B. 1281, Relating to the operation of cable TV systems by general law municipalities.

H.B. 1396, Relating to certain reports and public records to be prepared by a personal bond office.

H.B. 1567, Relating to the operation and implementation of the correctional managed health care plan.

H.B. 1877, Relating to the authority of the board of regents of The University of Texas System to delegate certain powers and duties of the board.

H.B. 2027, Relating to the regulation of tanning facilities; providing civil and administrative penalties.

H.B. 2098, Relating to justice court juries in certain counties.

H.B. 2245, Relating to the continuation and functions of the Texas Animal Health Commission; providing administrative and criminal penalties.

H.B. 2467, Relating to tuition rates at public institutions of higher education.

H.B. 2495, Relating to the transfer of the Baylor College of Dentistry to The Texas A&M University System.

H.B. 2505, Relating to commercial animal feed; providing a penalty.

H.B. 1745, Relating to requiring immunization for hepatitis B of certain students.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

CONCLUSION OF MORNING CALL

The President at 9:15 a.m. announced the conclusion of morning call.

CAPITOL PHYSICIAN

Senator Leedom was recognized and presented Dr. Robert Allen of Garland as the "Doctor for the Day."

The Senate welcomed Dr. Allen and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Montford, joined by Senator Harris, was recognized and introduced to the Senate a group of student council and class officers from Trinity High School in Euless.

The Senate welcomed its guests.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 373 ON THIRD READING

Senator Armbrister moved that the regular order of business be suspended and that **C.S.S.B. 373** be placed on its third reading and final passage.

C.S.S.B. 373, Relating to the continuation, operations, and functions of the Public Utility Commission of Texas and the Office of Public Utility Counsel; providing penalties.

The motion was lost by the following vote: Yeas 16, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Cain, Ellis, Gallegos, Lucio, Madla, Moncrief, Montford, Rosson, Sims, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Galloway, Haywood, Henderson, Leedom, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Wentworth.

Absent-excused: Brown, Harris, Luna.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Harris, Luna.

Members, Texas Racing Commission: LUKIN T. GILLILAND, Bexar County; DR. DEORSEY E. McGRUDER, Dallas County.

Members, Texas Woman's University Board of Regents: DR. RONALD F. GARVEY, Dallas County; KAY WILLIAMS GOODMAN, Denton County; RICHARD D. HAYES, Denton County; CHERYL B. WATTLEY, Dallas County; SHEILA WHITAKER-KELLAGHER, Dallas County.

Members, Texas Historical Commission: BRUCE T. AIKEN, Cameron County; JANE COOK BARNHILL, Washington County; SHIRLEY W. CALDWELL, Shackelford County; T. R. FEHRENBACH, Bexar County; F. LEE LAWRENCE, Smith County; CARL R. McQUEARY, Bell County; SUSAN MEAD, Dallas County.

Judge of the 233rd Judicial District Court, Tarrant County: WILLIAM W. HARRIS, Tarrant County.

Members, Texas Low-Level Radioactive Waste Disposal Authority: DR. WILLIAM L. FISHER, Travis County; MACARIO MARQUEZ, JR., Hudspeth County.

Members, Texas National Research Laboratory Commission: GEORGE S. BAYOUD, JR., Dallas County; J. FRED BUCY, Dallas

County; G. W. "BILL" CEVERHA, Dallas County; NICHOLAS B. JORDAN, JR., Ellis County.

Members, School Land Board: RICHARD M. LANDSMAN, Bexar County; WILLIAM F. WARNICK, Lubbock County.

**COMMITTEE SUBSTITUTE
HOUSE BILL 383 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 383, Relating to liability of certain governmental units and to the employees and officers of those units.

The bill was read second time.

(Senator Armbrister in Chair)

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 383** as follows:

(1) In SECTION 4, Sec. 108.002, add a new subsection (c) to read as follows:

(c) A provider of health care in Sections 108.002(a) and (b) is one of the following licensed health care providers:

- (1) physicians;
- (2) psychiatrists;
- (3) pharmacists;
- (4) registered nurses;
- (5) podiatrists;
- (6) chiropractors;
- (7) psychologists;
- (8) physician assistants;
- (9) licensed vocational nurses;
- (10) perfusionists;
- (11) dieticians;
- (12) respiratory therapists;
- (13) occupational therapists;
- (14) physical therapists;
- (15) audiologists;
- (16) speech therapists;
- (17) radiological technologists;
- (18) social workers;
- (19) professional counselors; and
- (20) family marriage therapists.

(2) In SECTION 4, Sec. 108.003, delete subsection (c) in its entirety.

The amendment was read.

(President in Chair)

Senator Leedom offered the following substitute for Floor Amendment No. 1:

Floor Amendment No. 2

Substitute the following for Floor Amendment No. 1 to **C.S.H.B. 383** in SECTION 4 by:

1. Striking Section 108.002(a) and (b), Civil Practices and Remedies Code, and inserting in lieu thereof the following:

Sec. 108.002(a). LIMITATION OF LIABILITY. (a) Except in an action arising under the constitution or laws of the United States, a [A] public servant, other than a person licensed under the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is not personally liable for damages in excess of \$100,000 arising from personal injury, death, or deprivation of a right, privilege, or immunity if:

(1) the damages [to the extent that the state is liable for indemnification under Section 104.002—that] are the result of an act or omission by the public servant's office, employment, or contractual performance for or service on behalf of a state agency, institution, [or] department, or local government; and

(2) for the amount not in excess of \$100,000, the public servant is covered:

(A) by the state's obligation to indemnify under Chapter 104;

(B) by a local government's authorization to indemnify under Chapter 102;

(C) by liability or errors and omissions insurance; or

(D) by liability or errors and omissions coverage under an interlocal agreement.

(b) Except in an action arising under the constitution or laws of the United States, a public servant, other than a person licensed under the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is not personally liable for damages in excess of \$100,000 for property damage if:

(1) the damages are the result of an act or omission by the public servant in the course and scope of the public servant's office, employment, or contractual performance for or service on behalf of a state agency, institution, department, or local government; and

(2) for the amount not in excess of \$100,000, the public servant is covered:

(A) by the state's obligation to indemnify under Chapter 104;

(B) by a local government's authorization to indemnify under Chapter 102;

(C) by liability or errors and omissions insurance; or

(D) by liability or errors and omissions coverage under an interlocal agreement.

2. Striking Sec. 108.003(c) in its entirety.

The substitute for Floor Amendment No. 1 was read.

On motion of Senator Shapiro, Floor Amendment No. 2 was tabled by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1, the amendment was adopted by a viva voce vote.

The bill as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 383 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 383** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Barrientos.

Absent-excused: Brown, Harris, Luna.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Nay" on the final passage of the bill.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a group of students and parents from the Laredo Independent School District.

The Senate welcomed its guests.

SENATE BILL 21 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 21, Relating to the State Cemetery.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 21 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 21** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Harris, Luna.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 784 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 784, Relating to the regulation of the practice of engineering; providing penalties.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 784** as follows:

(1) On page 5, line 52, committee printing, insert the words "or Registered Professional Engineer." before the period.

(2) On page 9, line 10, committee printing, strike "[~~certificate of registration or~~]" and substitute "certificate of registration or".

(3) On page 10, line 19, committee printing, insert the following after "efforts" and before "to": "or resistance to efforts".

(4) On page 11, line 59, committee printing, strike "for enforcement purposes" and substitute "as reimbursement for performance of the Board's regulatory functions".

(5) On page 12, committee printing, amend SECTION 30 by striking the word "occurs" in both places and "occurred" in one place and substituting "is reported to the Board" in all three places.

(6) On page 12, committee printing, delete SECTION 29 and renumber the following sections.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 784 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 784** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Harris, Luna.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Leedom was recognized and introduced to the Senate a group of students from Richardson High School.

The Senate welcomed its guests.

SENATE BILL 1391 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1391, Relating to records and seals of notaries public and to qualification as a notary public.

The bill was read second time.

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 1391** in the heading of SECTION 10, after the word "Subsection", and before the ",", (page 5, line 28 introduced version) by striking the "(a)" and inserting "(c)" in lieu thereof.

The committee amendment was read and was adopted by a viva voce vote.

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 1391** as follows:

Delete the language following "SECTION 3." and preceding "Sec. 406.006 QUALIFICATION", and insert the following in lieu thereof:

"Amend Section 406.006, Government Code, by amending subsections (a), (b), and (c), and by adding new subsections (d) and (e) to read as follows:"

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Gallegos asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1391 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1391** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Gallegos.

Absent-excused: Brown, Harris, Luna.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Gallegos asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE
SENATE BILL 626 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 626, Relating to certain laws governing water districts and nonprofit water or sewer service corporations; creating penalties; granting authority to issue bonds; granting the power of eminent domain.

The bill was read second time and was passed to engrossment by a viva voce vote.

VOTE RECONSIDERED

On motion of Senator Armbrister and by unanimous consent, the vote by which **C.S.S.B. 626** was passed to engrossment was reconsidered.

Question—Shall **C.S.S.B. 626** be passed to engrossment?

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 626** in SECTION 24 by adding a new subsection (a) and (b) to read as follows and renumbering subsequent subsection accordingly:

Sec. 54.739. ANNEXATION OF CERTAIN DISTRICTS. (a) Before a municipality may institute proceedings to annex a district, the municipality shall give the district not less than 48 nor more than 60 months' advance written notice of its intention to do so. After such written notice is given, the district may not issue any additional bonded indebtedness, extend any of its services to additional areas outside its boundaries, or institute any new type of service without the prior written approval of the governing body of the municipality, which approval may not be unreasonably withheld or delayed.

(b) The board of directors of the district may, by resolution, waive the giving of notice required under this section or agree to a shorter notice period.

The amendment was read.

Senator Barrientos offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **C.S.S.B. 626** in SECTION 24 by adding a new subsection (a) and (b) to read as follows and renumbering subsequent subsection accordingly:

Sec. 54.739. ANNEXATION OF CERTAIN DISTRICTS. (a) Before a municipality may institute proceedings to annex a district, the municipality shall give the district not less than 24 months advance written notice of its intention to do so. After such written notice is given, the

district may not issue any additional bonded indebtedness, extend any of its services to additional areas outside its boundaries, or institute any new type of service without the prior written approval of the governing body of the municipality, which approval may not be unreasonably withheld or delayed.

(b) The board of directors of the district may, by resolution, waive the giving of notice required under this section or agree to a shorter notice period.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

The bill as amended was again passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 626 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 626 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Harris, Luna.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

(Senator Armbrister in Chair)

SENATE BILL 1161 ON SECOND READING

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1161, Relating to out-of-hospital do-not-resuscitate orders; providing penalties.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1161** as follows:

- 1) Amend Section 674.001, subsection (13) page 2, line 27 after the word "pain", by adding: ", or the provision of water or nutrition."
- 2) Amend Section 674.001, subsection (14), (B) page 3, line 22. Add after the word "pain": ", or to provide water or nutrition."

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1161 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1161** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Harris, Luna.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1387 ON SECOND READING**

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1387, Relating to the transfer and enforcement of ad valorem tax liens.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1387** as follows:

(1) In SECTION 1, Section 32.06(e), Tax Code (page 1, line 42, senate committee printing), strike "Except as provided by Section 32.065, a [A]" and substitute "A".

(2) In SECTION 1, Section 32.06(e), Tax Code (page 1, lines 46-48, senate committee printing), strike ", plus any charge that is authorized by Section 32.065 and agreed to by the owner of the property under that section".

(3) In SECTION 1, Section 32.06(f), Tax Code (page 1, lines 53 and 54, senate committee printing), strike "and any charge previously agreed to and authorized by Section 32.065".

(4) In SECTION 1, Section 32.06(f), Tax Code (page 1, lines 55 and 56, senate committee printing), strike ", transfer expenses,".

(5) In SECTION 1, Section 32.06(i), Tax Code (page 2, lines 14 and 15, senate committee printing), strike "all authorized charges,".

(6) In SECTION 1 (page 2, line 31, through page 3, line 5, senate committee printing), strike proposed Section 32.065(b), Tax Code, and substitute the following:

(b) A contract entered into under Subsection (a) may provide for:

(1) an event of default; and

(2) notice of acceleration.

(7) In SECTION 1, proposed Section 32.065(c), Tax Code (page 3, lines 9 and 10, senate committee printing), strike "foreclosure, judicial sale, and the ability to purchase property" and substitute "foreclosure or judicial sale".

The amendment was read and was adopted by a viva voce vote.

Senator Galloway offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 1387** as follows:

(1) On page 3, line 24, strike "possibility that" and substitute "type of possible".

(2) On page 3, line 25, insert the following after "fees" and before "may": "that".

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1387 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1387** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Harris, Luna.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Gallegos and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 699 WITH HOUSE AMENDMENT

Senator Lucio, on behalf of Senator Sims, called **S.B. 699** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **S.B. 699** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the farm and ranch finance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 59.012, Agriculture Code, is amended to read as follows:

Sec. 59.012. DISPOSITION OF BOND PROCEEDS. (a) Except as provided by Subsection ~~Subsections~~ (b) ~~and (c)~~ of this section, proceeds from the sale of the bonds, other than refunding bonds, shall be deposited in the state treasury to the credit of the fund.

(b) The board may provide for transferring to the interest and sinking account from the proceeds of the sale of bonds or from the available money in the fund directly an amount that, together with the accrued interest received, is sufficient to pay interest becoming due during the fiscal year in which the bonds are sold and to establish appropriate reserves.

~~[(c) At the timely request of the authority, the board shall provide for transferring from the proceeds of the sale of bonds or from available money in the fund directly an amount certified by the authority as reasonable and necessary to cover the costs of administering the program. That amount shall be deposited in the state treasury to the credit of a special fund to be known as the farm and ranch administrative expense fund.]~~

SECTION 2. Section 59.021, Agriculture Code, is amended by adding Subsection (i) to read as follows:

(i) In addition to other uses provided by this chapter, the authority may use money in the fund to pay costs and expenses of administering the program.

SECTION 3. Section 59.022(c), Agriculture Code, is amended to read as follows:

(c) The authority may set and collect fees the authority considers reasonable and necessary to cover the expenses of administering the program or considers in the best interest of the program. Those fees shall be deposited in the state treasury to the credit of the farm and ranch finance program ~~[administrative expense]~~ fund. An applicant for financial assistance participating in the program shall pay the costs of applying for, participating in, and administering and servicing the program, in amounts the authority considers reasonable and necessary. Any cost not paid by an applicant shall be paid from the fund.

SECTION 4. Section 59.024, Agriculture Code, is amended to read as follows:

Sec. 59.024. APPLICATION; ELIGIBILITY. (a) To borrow money from the fund, a person must submit an application to the authority that contains an acceptable agricultural business plan for the land proposed to be purchased that assures the authority the applicant intends to use the land for the primary purpose of farming or ranching.

(b) To be eligible to borrow money from the fund, a person, at the time of application, must:

(1) provide evidence to the authority that demonstrates that the person has at least three years of experience relevant to the person's agricultural business plan for the land proposed to be purchased ~~[be a member of a household that has derived at least 25 percent of its gross income from a farm or ranch for the preceding three years];~~ and

(2) have a net worth of less than \$300,000 ~~[\$250,000]~~.

SECTION 5. Section 59.025, Agriculture Code, is amended to read as follows:

Sec. 59.025. MAXIMUM AMOUNT OF LOAN [DOWNPAYMENT]. ~~[(a)]~~ A loan under this chapter may not exceed the lesser of:

(1) \$150,000; or

(2) ~~an amount equal to 95 percent of the lesser of the purchase price of the land or the land's appraised value under Section 59.028[, less the down payment required under this subsection. If the purchase price of land purchased with financial assistance under this chapter is \$150,000 or less, the minimum down payment is equal to five percent of the purchase price. If the purchase price exceeds \$150,000, the minimum down payment is an amount equal to the sum of five percent of the purchase price plus the amount equal to the difference between the purchase price and \$150,000].~~

~~[(b) The authority shall provide by rule for the period during which and the manner in which the down payment provided for under Subsection (a) of this section shall be paid to the authority.~~

~~[(c) If the sale is not consummated, the authority shall refund the down payment to the borrower.]~~

SECTION 6. (a) The change in law made by this Act does not affect a loan made under Chapter 59, Agriculture Code, before the effective date of this Act, without regard to whether the sale of land for which the loan was made is consummated before the effective date of this Act.

(b) If a down payment is paid to the Texas Agricultural Finance Authority under Section 59.025, Agriculture Code, before the effective date of this Act, and the sale of land for which the down payment was paid is not consummated, the authority shall refund the down payment to the borrower in accordance with Section 59.025(c), Agriculture Code, before its amendment by this Act, and the former law is continued in effect for that purpose.

(c) The farm and ranch administrative expense fund is abolished.

SECTION 7. This Act takes effect September 1, 1995.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

Senator Lucio, on behalf of Senator Sims, moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on S.B. 699 before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Lucio, Chair; Sims, Brown, Armbrister, and Bivins.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1680	S.B. 1685
S.B. 1681	S.B. 1686
S.B. 1682	S.B. 1687
S.B. 1683	S.B. 1688
S.B. 1684	

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

S.C.R. 133 by Armbrister Administration
Requesting the lieutenant governor and speaker to establish a joint interim committee to study the application of advanced electronics technology to correctional surveillance and security.

S.C.R. 135 by Lucio Education
Requesting the Texas Higher Education Coordinating Board to conduct a review of alternative dispute resolution procedures at public institutions of higher education.

S.B. 1680 by Luna Jurisprudence
Relating to the creation of five judicial districts composed of Bexar County.

S.B. 1681 by Nelson, Cain Economic Development
Relating to authorizing the Texas National Research Laboratory Commission to contract with a special utility district.

S.B. 1682 by Nelson, Cain Finance
Relating to the conveyance of a possessory interest in property acquired by a public entity or state agency in connection with the superconducting super collider facility.

S.B. 1683 by Nixon, Madla Natural Resources
Relating to the collection, management, and recycling of used oil and used oil filters.

S.B. 1684 by Harris Economic Development
Relating to illegal fireworks and certain offenses relating to fireworks.

S.B. 1685 by Sibley State Affairs
Relating to the detection and prevention of prostate cancer.

S.B. 1687 by Henderson Jurisprudence
Relating to the creation of certain judicial districts and to the offices of district attorney of certain judicial districts.

S.B. 1688 by Truan

Natural Resources
Subcommittee on Water

Relating to the establishment of the line of vegetation along the Gulf of Mexico where a natural vegetation line does not exist.

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

H.C.R. 104

H.B. 722

H.B. 1318

AT EASE

The Presiding Officer, Senator Armbrister in Chair, at 10:23 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 10:32 a.m. called the Senate to order as In Legislative Session.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 10:33 a.m. agreed to adjourn, upon receipt of messages from the House, until 10:00 a.m. Monday, May 1, 1995.

AT EASE

The President at 10:34 a.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Truan at 1:41 p.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber

April 28, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 178, Relating to delay of the vehicle emissions inspection and maintenance program. (As substituted and amended)

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

MEMORIAL RESOLUTION

H.C.R. 179 - (Leedom): In memory of former Representative Phillip LaFrance Willis.

CONGRATULATORY RESOLUTIONS

S.C.R. 136 - By Sibley: Designating the week that begins with Father's Day as Texas Prostate Cancer Awareness Week.

S.R. 847 - By West: Proclaiming April 29, 1995, as Black Data Processing Associates Day in Dallas.

S.R. 848 - By West: Congratulating Jennifer Ruud on being selected for participation in the eighth Texas Career and Technology Education Awards Program.

S.R. 849 - By Zaffirini: Recognizing the dedication ceremony of John B. Alexander High School in Laredo.

S.R. 850 - By Ellis: Recognizing the contributions of Texas public radio and television stations and the Texas Public Broadcasting Association.

S.R. 851 - By Ellis: Recognizing the weekend of May 19 through 21, 1995, as Africa Day in Houston.

S.R. 852 - By Ellis: Commending Reginald B. Cherry, M.D., of Houston for his many contributions during 20 years of practice.

S.R. 853 - By Whitmire: Honoring Raymond J. Snokhous for his dedication to preserving the Czech heritage in Texas.

S.R. 854 - By Barrientos: Congratulating Andy Russ of Austin on achieving the rank of Eagle Scout.

S.R. 855 - By Barrientos: Congratulating Daniel B. Frank of Pflugerville on achieving the rank of Eagle Scout.

S.R. 856 - By Barrientos: Congratulating David Russ of Austin on achieving the rank of Eagle Scout.

S.R. 857 - By Truan: Congratulating the Reverend B. T. Cherry on his 29th anniversary as pastor of Mount Zion Missionary Baptist Church in Robstown.

S.R. 858 - By Ratliff: Congratulating Austin Lewis Duff of Tyler on achieving the rank of Eagle Scout.

S.R. 859 - By Nixon: Congratulating Erik J. Gobel of Nacogdoches, who was elected president of the Student Government Association at Stephen F. Austin State University.

S.R. 860 - By Truan: Extending best wishes to the alumni of Falfurrias High School for a most rewarding reunion.

S.R. 861 - By Truan: Congratulating Vann M. Kennedy on the occasion of his 90th birthday.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 1:42 p.m. adjourned until 10:00 a.m. Monday, May 1, 1995.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 28, 1995

STATE AFFAIRS — C.S.S.B. 1333, C.S.S.B. 94, H.B. 984 (Amended), S.B. 1461, H.B. 677, S.B. 1671

FINANCE — H.B. 596, S.B. 1115, S.B. 1416, S.B. 1133, S.B. 1417, S.B. 1492, S.B. 1418 (Amended), C.S.S.B. 405, C.S.S.B. 589, C.S.S.B. 858, C.S.S.B. 833, C.S.S.B. 1136

HEALTH AND HUMAN SERVICES — C.S.S.C.R. 45, S.B. 913, C.S.S.B. 1596, C.S.S.B. 83

ECONOMIC DEVELOPMENT — S.B. 1667, S.B. 1514, S.B. 623, S.B. 1411 (Amended), S.B. 1409 (Amended), S.B. 1009 (Amended), C.S.S.B. 1528, C.S.S.B. 202, C.S.S.B. 628, C.S.S.B. 1544, C.S.S.B. 1618, C.S.S.B. 1646, C.S.S.B. 558, C.S.S.B. 1222, C.S.S.B. 1637, C.S.H.B. 971

NATURAL RESOURCES — C.S.S.B. 1601, C.S.S.B. 1396, H.B. 1187, S.B. 1660, S.B. 1076, S.B. 376, H.C.R. 24, S.B. 935, C.S.H.B. 475, S.B. 1657, S.B. 1645, S.B. 1647, H.B. 1493, H.B. 2642, C.S.S.B. 1619, S.B. 1679

CRIMINAL JUSTICE — S.B. 272 (Amended), S.B. 453, H.B. 462, S.B. 1093, S.B. 225 (Amended), H.B. 44, S.B. 919 (Amended), H.B. 1343 (Amended), H.B. 1155, S.B. 1655, C.S.S.B. 853, C.S.S.B. 676, C.S.S.B. 224, C.S.S.B. 1074, C.S.S.B. 357, C.S.S.B. 1135